

REMARKS

1. Applicant thanks the Examiner for his remarks and observations.
2. Claims 1 – 6, 8-16, 18 – 21 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,166,866 ("Molnar"). Applicant respectfully disagrees.

Claim 1 includes:

"a first object, said first object a full-featured version of at least one software product, wherein said user is denied access to said first object;" and

"a second object, said second object a further version of said software product having some, but less than all, of the features of said first object . . . "

The Examiner is respectfully directed to the Summary of the telephone interview of October 22, 2003 in the parent case, U.S. Patent Application Ser. No. 09/928,737. During said interview, Applicant pointed out to Examiners Lanier and Barron that the invention provided a single software package having both the trial version and the purchase version. Molnar, in stark contrast, provides a trial version and a purchase version completely separately of each other. The Examiners agreed with Applicant that Claim 1 of the parent was patentably distinct from Molnar, and withdrew the rejection.

under 35 USC § 102(b) based on Molnar. Accordingly, the Examiner is estopped from rejecting the same subject matter on the same basis in the current application. Thus, the rejection of Claim 1 and all Claims depending therefrom under 35 USC § 102(b) is deemed to be improper.

3. Because all rejections under 35 USC § 103(a) rely on Molnar as the primary reference, they are moot, in view of the above.

4. The interpretation that permits the Examiner to find that the header described at Col 4, line 50, to Col. 5 line 18 in Molnar anticipates the notifier recited in Claim 1 not only is excessively broad, but patently incorrect, and is thus *per se* unreasonable. The Examiner is respectfully directed to Col 5, line 13 to Col. 7, line 6, describing Molnar's blocks. What is being described is a transmission unit such as a packet. Molnar further describes the blocks as comprising a body and a header. Transmission protocols that transmit a signal in units, such as packets, each having a body and a header, are notoriously well-known; NTSC and TCP are two obvious examples. The proposition that the headers of individual transmission units of a carrier signal are the same as a notifier in a software package, perhaps many millions of bytes in size, that would be embedded in the carrier signal, and that the header of an individual packet would contain any information directly relating to the software package is so strained that it cannot be reasonably maintained.

CONCLUSION

In view of the above, the application is deemed to be in allowable condition. Therefore, the Examiner is earnestly requested to withdraw all rejections and allow the application to pass to issue as a U. S. Patent. Should the Examiner have any questions related to the application, he is urged to contact applicant's attorney at the telephone number given below.

Respectfully submitted,



Michael A. Glenn

Reg. No. 30,176

Customer Number 22862

CLAIM AMENDMENTS

1. (Previously amended) A method of evaluating software by a user for subsequent purchase comprising the steps of:

acquiring a software package, said software package comprising:

a first object, said first object a full-featured version of at least one software product, wherein said user is denied access to said first object;

a second object, said second object a further version of said software product having some, but less than all, of the features of said first object;

an access and control portion, said access and control portion affording selective access to any of said first and second objects; and

a notifier;

installing said software package on said buyer's computer system;

accessing said second object, access to said second object being unrestricted;

and

evaluating said second object whereby said user assesses whether said software product meets said user's requirements.

2. (Original) The method of Claim 1, wherein said access and control portion includes usage authorization information.

3. (Original) The method of Claim 1, wherein said acquiring step comprises any of the steps of:

acquiring said software package as a software copy on a recordable medium;

acquiring said software package via data communication from any of an Internet site and a dial-up online service.

4. (Original) The method of Claim 3, said acquiring step further comprising the step of saving said software package to a mass storage device in said user's computer.

5. (Original) The method of Claim 4, wherein said mass storage device comprises a hard disk drive.

6. (Original) The method of Claim 2, wherein said first object and said usage authorization information are encrypted, whereby said user is prevented from accessing and using said first object and said usage authorization information until said prospective user executes a purchase request, thereby acquiring a license to at least some of the rights to said software product.

7. (Original) The method of Claim 6, wherein said first object, said second object and said usage authorization information are macro-compressed and optionally, micro-compressed.

8. (Original) The method of Claim 6, wherein said usage authorization information specifies any of:

permitted uses for said software product and individual components thereof and prices for said permitted uses;

authorized extent of use, where said extent of use comprises any of duration of use and number of uses, and prices for said authorized extent of use;

content of levels, where said software is purchased in succeeding levels, and prices for said levels;

an authorized user for said software product subsequent to purchase; and

subsequent to purchase, which of said individual components and levels have been purchased, and which are still available for purchase.

9. (Original) The method of Claim 8, wherein said software product comprises one or more executable objects.

10. (Original) The method of Claim 9, wherein said executable objects comprise any of application software, utilities, and computer games.

11. (Original) The method of Claim 8, wherein said software product comprises one or more data objects.

12. (Original) The method of Claim 11, wherein said data objects comprise any of digital images, video data objects and audio data objects.

13. (Original) The method of Claim 9 wherein said lev ls comprise versions of said executable objects having more features enabled than a version in a preceding increment.

14. (Original) The method of Claim 9, wherein said increments comprise additional objects over those in a preceding increment.

15. (Original) The method of Claim 11, wherein said increments comprise additional objects over those in a preceding increment.

16. (Original) The method of Claim 9, wherein said notifier comprises:
an executable code section; and
information required by said user for purchasing rights to said software product and enabling entry of transaction information required for said purchase of said rights.

17. (Currently amended) The method of Claim 16, wherein said installing step comprises the steps of:

loading said software package into the memory of said user's computer system;
running a setup routine, wherein said executable code section performs normal setup functions, including displaying a user license; and
agreeing to terms of said user license.

18. (Original) The method of Claim 16, wherein said evaluating step comprises the steps of:

selecting one or more us options from a listing of said us options available, said available options being those objects available free of charge or those previously purchased by said user, said listing being provided by said executable code section accessing said usage authorization information, and wherein one or more of said available objects are retrieved by said executable code section and loaded into memory; and

executing said requested use.

19. (Original) The method of Claim 18, further comprising the step of:

purchasing any of said software product in entirety and one or more parts thereof.

20. (Original) The method of Claim 19, wherein said purchasing step comprises the steps of:

providing user information;

optionally, electing usage levels and desired features;

providing payment information;

transmitting a purchase request to a server, said purchase request comprising said payment information and said desired usage information.

21. (Original) The method of Claim 20, wherein said payment information comprises credit card information and contact information for said prospective purchaser.

22. (Original) The method of Claim 21, wherein selected information characteristic of said user's computer system is transmitted to said server after said purchase request is received by said server

23. (Original) The method of Claim 22, wherein said selected information includes serial numbers from any of a hard disk drive, a network interface card, and a mother board from said user's computer.

24. (Original) The method of Claim 23, wherein said selected information includes an identification code identifying a particular storage medium on which said software package was distributed.

25. (Original) The method of Claim 22, wherein said server transmits an access control code to said user's computer after said purchase request is successfully processed, said access control code based on said selected information characteristic of said user's computer, and wherein said access control code is separately stored on said user's computer from said software package.

26. (Original) The method of Claim 25, wherein said access control code is a decryption key for said encrypted first object, said decryption key based on said selected information, and wherein both said decryption key and said selected information must be present on said user's computer in order to decrypt said first object.

27. (Original) The method of Claim 26, wherein said decryption key is split into two parts, a first part of which is calculated on said server, and a second part of which is calculated in real time on said user's computer using said selected information.

28. (Original) The method of Claim 25, wherein said access control code is a decryption executable for said encrypted first object, said decryption executable based on said selected information, and wherein both said decryption executable and said selected information must be present on said user's computer in order to decrypt said first software version.

29. (Original) The method of Claim 11, wherein said access control portion further comprises a signature, said signature being readable by a predetermined executable serving to control access to said first object.

30. (Original) The method of Claim 29, wherein said predetermined executable is a driver executable, wherein said driver executable is downloaded from a server by said user; and

wherein said driver executable is installed on said user's computer separately from said software package.

31. (Original) The method of Claim 30, wherein said notifier comprises means for notifying said prospective user to download said driver executable from said server.

32. (Original) The method of Claim 31, wherein said driver executable reads said signature and recognizes said software package as one containing data objects, wherein said software package requires access control by said driver executable.

33. (Original) The method of Claim 32, wherein said driver executable decrypts said usage authorization information, whereby said usage authorization is presented to said user.

34. (Original) The method of Claim 33, wherein said evaluating step further comprises the steps of;

selecting one or more use options from a listing of said use options available, said available options being those objects available free of charge or those previously purchased by said user, said listing being provided by said driver executable accessing said usage authorization information, and wherein one or more of said available objects are retrieved by said driver executable and loaded into memory; and

executing said requested use.

35. (Original) The method of Claim 34, further comprising the step of:
purchasing any of:

said software product in entirety; and

one or more parts thereof.

36. (Original) The method of Claim 35, wherein said purchasing step comprises the steps of:

providing user information;
optionally, electing usage levels and desired features;
providing payment information;
transmitting a purchase request to a server, said purchase request comprising said payment information and said desired usage information.

37. (Original) The method of Claim 36, wherein said payment information comprises credit card information and contact information for said prospective purchaser.

38. (Currently amended) The method of Claim 37, wherein selected information characteristic of said user's computer system is transmitted to said ~~said~~ server ~~receives~~ server after said purchase request.

39. (Original) The method of Claim 38, wherein said selected information includes serial numbers from any of a hard disk drive, a network interface card, and a motherboard from said user's computer.

40. (Original) The method of Claim 39, wherein said selected information includes an identification code which identifies a particular storage medium on which said software package was distributed.

41. (Original) The method of Claim 38, wherein said server transmits an access control code to said user's computer after said purchase request is successfully processed, said access control code based on said selected information characteristic

of said user's computer, and wherein said access control code is separately stored on said user's computer from said software package.

42. (Original) The method of Claim 41, wherein said access control code is a decryption key for said encrypted first object, said encryption key based on said selected information, and wherein both said decryption key and said selected information must be present on said user's computer in order to decrypt said first object.

43. (Original) The method of Claim 42 wherein said encryption key is split into two parts, a first part of which is calculated on said server, and a second part of which is calculated in real time on said user's computer using said selected information.

44. (Original) The method of Claim 43, wherein said access control code is a decryption executable for said encrypted first object, said encryption executable based on said selected information, and wherein both said decryption executable and said selected information must be present on said user's computer in order to decrypt said first software version.

45. (Original) The method of Claim 1, wherein said software package includes means for protecting said software package against class attacks and dump attacks.

46. (Original) The method of Claim 45, wherein said protection against dump attacks comprises any of erasing and modifying one or more of said objects' relocation

information, directory pointers, or entry point after said objects have been written into memory.

47. (Original) The method of Claim 45, wherein said protection against dump attacks comprises modifying references to external routines in an import table of said objects whereby said notifier controls access to said routines.

48. (Original) The method of Claim 25, wherein said server inserts transaction information in said software product as a watermark.

49. (Original) The method of Claim 41, wherein said server inserts transaction information in said software product as a watermark.

50. (Original) The method of Claim 25, wherein said server inserts transaction information in said access control code as a watermark.

51. (Original) The method of Claim 41, wherein said server inserts transaction information in said access control code as a watermark.